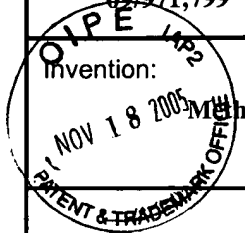


11-21-05

3728

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. PG4113US2	
Applicant(s): Karl Andrew GARRILL, et al.				
Application No. 09/971,799	Filing Date 10/03/2001	Examiner Jerry JOHNSON	Customer No. 23347	Group Art Unit 3728
Invention: Method and Package for Storing a Pressurized Container Containing a Drug				
I hereby certify that the following correspondence: <div>Transmittal Form, Supplemental Information Disclosure Statement with PTO 1449 and 26 References attached.</div> <p>(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p>November 18, 2005 (Date)</p> <p>Johnie Jones (Typed or Printed Name of Person Mailing Correspondence)</p> <p><i>Johnie Jones</i> (Signature of Person Mailing Correspondence)</p> <p>EV332145101US</p>				
Note: Each paper must have its own certificate of mailing.				



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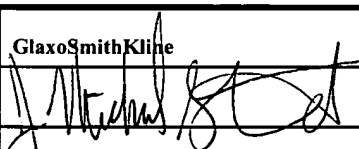
Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/971,799
		Filing Date	10/03/2005
		First Named Inventor	Karl Andrew GARRILL
		Art Unit	3728
		Examiner Name	Jerry JOHNSON
Total Number of Pages in This Submission		Attorney Docket Number	PG4113US2

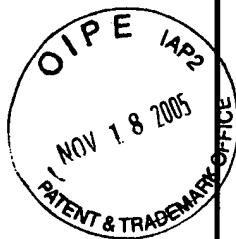
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <b>Applicants believe that no fee is required for this submission. However, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	GlaxoSmithKline		
Signature			
Printed name	J. Michael Strickland		
Date	November 18, 2005	Reg. No.	47,115

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of: Karl Andrew GARRILL, et al.

Serial No.: 09/971,799

Art Unit: 3728

Filing Date: 10/03/2001

Examiner: Jerry JOHNSON

For: *METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☒ Copies of the following references are enclosed. References # 7-32  
☐ Copies of the references were submitted in parent application Serial No. \_\_\_\_\_. (37 CFR 1.98(d))  
☐ A copy of the International Search Report which issued on International Application No. \_\_\_\_\_ is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

- A. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

- ☒ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).

- B. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but **before** the mailing date of either:

- (1) a final action under § 1.113 or  
(2) a notice of allowance under § 1.311,  
whichever occurs first.

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).

- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which Issued on International Publication No.

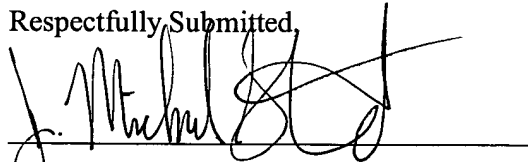
In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. **[or]**
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

☒ Please charge any required fees to Deposit Account No.07-1392.

☒ A duplicate copy of this paper is attached.

Respectfully Submitted,



J. Michael Strickland, Attorney of Record  
Registration No. 47,115

Date: November 18, 2005  
GlaxoSmithKline  
Corporate Intellectual Property  
5 Moore Drive, P.O. Box 13398  
Research Triangle Park, NC 27709-3398  
Telephone: (919) 483-9024  
Facsimile: (919) 483-5730

- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which Issued on International Publication No.

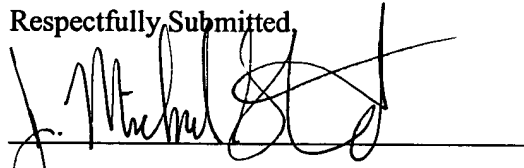
In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. [or]
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

[X] Please charge any required fees to Deposit Account No.07-1392.

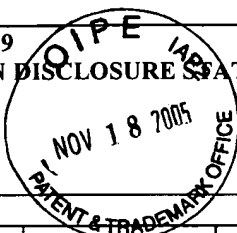
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Telephone: (919) 483-9024  
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO. PG4113US2		SERIAL NO. 09/971,799	
				APPLICANT: Karl Andrew GARRILL, et al.			
				FILING DATE: 10/03/01		GROUP 3728	
U.S. PATENT DOCUMENTS							
Examiner Initials		Patent Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate
		1. 4,363,841	12/14/1982	SNOW			
		2. 4,841,297	06/20/1989	BOURGEAUX			
		3. 4,861,632	08/29/1989	CAGGIANO			
		4. 5,261,538	11/16/1993	EVANS, et al.			
		5. 5,763,028	06/09/1998	MATSUMOTO, ET AL.			
		6. 20020048552	04/25/2002	GARRILL, et. al.			
Continue on page _____							
FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Subclass	Translation Yes   No
	7.	2005538	04/25/1979	GB			
	8.	1964048	08/23/1972	DE			√ (Abstract)
	9.	93/09038	03/13/1993	PCT			√ (Abstract)
	10.	94/26624	11/24/1994	PCT			√ (Abstract)
	11.	2099940	01/07/1994	CA			√ (Abstract)
	12.	0454967	12/06/1995	EP			√ (Abstract)
	13.	95/34488	12/21/1995	PCT			
	14.	0688666	12/27/1995	EP			
	15.	96/04189	02/15/1996	PCT			
	16.	8243148	09/24/1996	JP			√ (Abstract)
	17.	96/29603	09/26/1996	PCT			
	18.	96/32099	10/17/1996	PCT			
	19.	96/32150	10/17/1996	PCT			
	20.	96/32151	10/17/1996	PCT			
	21.	96/32345	10/17/1996	PCT			
	22.	96/33108	10/24/1996	PCT			
	23.	2306169	04/30/1997	GB			√ (Abstract)
	24.	0793992	09/10/1997	EP			
	25.	97/32663	09/12/1997	PCT			
	26.	19633495	02/26/1998	DE			√ (Abstract)
	27.	99/27851	06/10/1999	PCT			√ (Abstract)
	28.	99/47195	09/23/1999	PCT			
	29.	99/53901	10/28/1999	PCT			
	30.	00/37336	06/29/2000	PCT			
	31.	01/19961	03/22/2001	PCT			√ (Abstract)
Continue on page _____							
OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)							
	32.	Williams, Gerallt and Tcherevatchenkoff, A. (1998) "Moisture Transport Into CFC-Free MDIs," Respiratory Drug Delivery VI, Vol 1, pp 471-474 (1998).					
Continue on page _____							
EXAMINER					DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							